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REMARKS*Claim Rejections - 35 USC § 112*

Applicants' counsel believes that the claims as originally filed are acceptable under 35 U.S.C. 112, second paragraph. The phrase "at least / most approximately" X means that the specified quality must be at least, or at most, an approximate value given by X. So, for example, the phrase "at least approximately ten times as high" (e.g., in claim 11) has a similar meaning to "at least ten times as high," which is a fixed range, but with the understanding that the word "approximately" refers to the number "ten" so that something which is, e.g., 9.8 times as high may fit within the range "at least approximately ten times as high" depending on the materiality and substantiality of the approximate variation below 10 times as high, while something 5 times as high clearly would not.

It appears that examiner is unclear whether "at least / most approximately" X refers to an approximation of "X," which is suitable under 35 U.S.C. 112, or to an approximation of "at least" or "at most" which could be unclear. The meaning of this phrase should be is clear from ordinary grammatical considerations, since the word "approximately" always falls immediately before any quantity "X." Even so, applicants hereby assert for the record that for purposes of claim interpretation, for any occurrence of the phrase "at least approximately X," the approximation refers to the "X" which succeeds it and not to "at least" which precedes it, and for any occurrence of the phrase "at most approximately X," the approximation also refers to the

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succeeding "X" and not to the preceding "at most."

Approximations for quantities such as "X" are well settled to be acceptable within the scope of 35 U.S.C. 112, and a range which begins at an approximate value, while not exact in a mathematical sense, is still sufficiently definite to pass muster under 35 U.S.C. 112.

In the event examiner believes that the phrases "at least / most approximately" X still leave room for doubt, applicants' counsel would ask for a phone conference to see if a suitable examiner's amendment might be authorized by telephone which would satisfy any 112 objection while still maintaining some legitimate approximation in the upper or lower range limits set forth.

***Claim Rejections - 35 U.S.C. § 102***

Claim 1 is amended to specify "exclusive or comparing" rather than merely "comparing."

This amendment overcomes any possibility that applicants' "comparing" might be erroneously read on the functionality of the "digital phase meter" A or B of Young et al. The output signal of an exclusive or (XOR) comparator (which is high when either input is high, and low when both inputs are high or both inputs are low) is wholly different from, and in no way disclosed, suggested or motivated by, the output signal of Young's phase meters. It is well known in the art that there are many ways to perform the XOR comparison at applicants' element **210**, using various compositions of digital and / or analog circuits, and is thus to be understood that applicants' claim 1, as amended, is

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still intended to read on and encompass any device, system or method which does function in net result to yield an XOR comparison from box 210, and which meets all other claims limitations.

5 As such, applicants respectfully request allowance of claim 1. Additionally, in light of applicants' earlier discussion and clarification regarding the 35 U.S.C. 112 rejection, the dependence of claims 2-18 on allowable claim 1, examiner's statements regarding the allowability of claims 2, 4-8, 10, 12,  
10 14, 16, and 18, and examiner's allowance of claims 19-68, applicants respectfully request allowance of all claims.

***Missing Information Disclosure***

Applicants submitted an electronic information disclosure on  
15 July 2, 2002 which was not among the papers mailed to applicants as having been considered prior to issuance of this office action. Following a recent telephone call from applicants' counsel, examiner Donels did find the subject information disclosure and advised counsel that he had not seen this at the  
20 time of preparing the subject office action.

Applicants respectfully request examiner Donels to please review and take this information disclosure into account prior to the next action in this case. Applicants believe examiner will conclude that none of the references cited in this information  
25 disclosure affect the patentability of applicants' claims.

However, in the event a prior art rejection of one or more claims is issued on the basis of any of these references, applicants

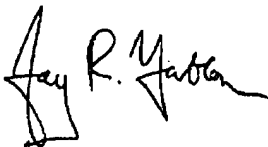
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respectfully request that such action be non-final, since these references were timely filed by applicants and the absence of consideration of these references prior to the first action was due to patent office error. Applicants should thereby be given  
5 the opportunity in a non-final action to reply to any rejection based on these references.

**Conclusion**

As a consequence of the foregoing, applicants look forward  
10 to receiving a notice of allowance in the near future.

Respectfully submitted,



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